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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON

8 Emmanuel ASHEMUKE,

9 Petitioner,

10 v.

11 ICE FIELD OFFICE DIRECTOR,

12 Respondent.
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Case No. 2:23-CV-01592-RSL

MOTION FOR JUDICIAL NOTICE

INTRODUCTION

Petitioner Emmanuel Ashemuke respectfully requests that this Court take judicial notice of the Board of Immigration Appeals (BIA) decision in his immigration bond proceedings. The BIA decision, which is attached as Exhibit A, denies his appeal and makes clear that administrative exhaustion is not a barrier to considering Mr. Ashemuke's request for enforcement of the Court's prior order. The BIA decision is an administrative record and a quasi-judicial decision, and as such, it is a record subject to judicial notice. Counsel for Mr. Ashemuke has contacted counsel for Respondent, and Respondent does not oppose judicial notice of the agency decision at issue here.¹

ARGUMENT

I. Judicial Notice of the BIA Is Appropriate.

The Ninth Circuit has long made clear that agency records and decisions like the BIA decision here are subject to judicial notice. "Courts may take judicial notice of some public records, including the 'records and reports of administrative bodies.'" *United States v. Ritchie*, 342 F.3d 903, 909 (9th Cir. 2003) (quoting *Interstate Nat. Gas Co. v. S. Cal. Gas Co.*, 209 F.2d 380, 385 (9th Cir. 1953)); *see also United States v. 14.02 Acres of Land More or Less in Fresno Cnty.*, 547 F.3d 943, 955 (9th Cir. 2008) (similar). Moreover, "a court may take judicial notice of its own records in other cases, as well as the records of an inferior court in other cases." *United States v. Wilson*, 631 F.2d 118, 119 (9th Cir. 1980). Here, these principles demonstrate that the BIA decision is a proper subject of judicial notice. The decision is agency record, and it is also

¹ Although the decision is dated August 1, 2024, Mr. Ashemuke did not receive the decision in the mail through the detention center's mail system until yesterday, August 7, 2024. He immediately informed counsel and counsel obtained a copy from him.

the decision of a quasi-judicial body over which this court may exercise its habeas authority. As a result, and as the cases above demonstrate, several bases exist to take notice of the decision.

II. Judicial Notice Demonstrates That Respondent's Administrative Exhaustion Argument Is Moot.

The BIA decision resolves Respondent's affirmative defense of administrative exhaustion and makes that argument moot. The decision denies Mr. Ashemuke's appeal, making clear that Mr. Ashemuke will not be receive a bond or release from the agency pursuant to the Court's order requiring a bond hearing that complies with *Singh v. Holder*, 638 F.3d 1196 (9th Cir. 2011). Dkt. 29. As a result, and as detailed in Mr. Ashemuke's motions and his reply, the Court should address the merits of whether the bond hearing complied with this Court's prior order, and if it decides the agency did not comply, order his release.

CONCLUSION

For the foregoing reasons, this Court should take judicial notice of the BIA decision in Mr. Ashemuke's bond proceedings.

Dated this 8th of August, 2024.

Respectfully submitted,

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Matt Adams

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s/ Glenda M. Aldana Madrid

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s/ Aaron Korthuis

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NORTHWEST IMMIGRANT RIGHTS PROJECT

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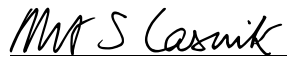
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ORDER

Before the Court is the Petitioner's Motion for Judicial Notice. The Court finds that judicial notice is proper and therefore takes notice of Exhibit A to Mr. Ashemuke's motion, which is the Board of Immigration Appeals decision in his immigration bond proceedings dated August 1, 2024.

Dated this 9th day of August, 2024.



Robert S. Lasnik
United States District Judge